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PTO TRANSMITTAL FORM FEB 24 2005 (to be used for all correspondence after initial filing)	Application Number	08/869,589
	Filing Date	June 5, 1997
	First Named Inventor	Strolle
	Art Unit	2631
	Examiner Name	Burd, Kevin
Total Number of Pages in This Submission	Attorney Docket Number	SAR 12082

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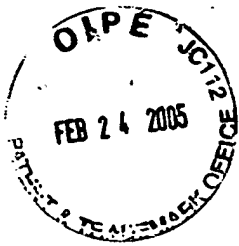
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PATENT
Atty. Dkt. No. SAR 12082

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Strolle

Serial No.: 08/869,589

Confirmation No.: 5936

Filed: June 5, 1997

For: METHOD AND APPARATUS
FOR PERFORMING
BANDEDGE EQUALIZATION

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Group Art Unit: 2631

Examiner: Burd, Kevin M.

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Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeal-s and Interferences on appeal from the decision of the Examiner of Group Art Unit 2631 dated April 27, 2004, finally rejecting claims 1, 9, 10, 12, 15, and 16

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ARGUMENT

A. 35 U.S.C. § 102 - Claim 1.

Simply stated, the Appellant's appeal rests on whether or not the Norrell et al. patent (U.S. patent no. 5,793,821) is deemed to specifically teach or suggest that the bandedge amplitudes are made to have equal amplitudes. The Appellant does not believe such teaching is evident in Norrell.

In the prior Decision on Appeal, the Board deemed that Norrell's method and apparatus for compensating for amplitude distortion in an entire broadband signal will result in compensation (adjustment) of the bandedges that are part of the signal. Thus, some of the prior claims of Appellant's application were found unpatentable in view of Norrell et al. The Appellant amended the claims to specifically recite that the Appellant's invention causes the amplitudes of the bandedges to be equal. In short, Norrell et al. does not specifically teach that the bandedges are to have equal amplitudes.

However, in the Board's prior decision, the Board made the statement that "Amplitude equalization means attenuating or amplifying to make amplitudes equal." (Decision on Appeal, page 8, lines 3-4) This dicta has been used by the Examiner, as discussed below, as the basis for rejecting the Appellant's current claims. The Appellant argues below that Norrell et al. does not teach or suggest a method or apparatus that makes the amplitude of each bandedge equal. As such, the Appellant requests that the Board clarify their prior decision in view of the Appellant's amended claims and agree that Norrell et al. does not teach making the bandedge amplitudes equal.

The cited section (Norrell, column 9) is directed to channel equalization and **not** the specific adjustment of bandedges of a broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal. Channel equalization generally involves equalization of the entire frequency response and, as such, is **not** the same as adjusting bandedges such that the amplitudes of the

bandedges are made equal. The purpose of the cited section was to clarify the advantage of sharply attenuating the midband, i.e., the region between the LBEF and the UBEF, in Norrell. Moreover, the cited section is devoid of any teaching of an adjustment of bandedges to make them have equal amplitude in response to a control signal, as generated by the bandedge filter and bandedge signal processor in Appellant's invention. Thus, the cited section does not teach adjusting amplitudes of the bandedges of a broadband signal such that the amplitudes of the bandedges are made equal as in claim 1 of Appellant's invention.

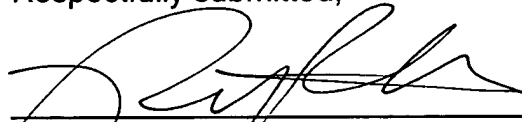
Since Norrell et al. fails to specifically teach "adjusting the amplitudes of the bandedges of said broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal", as recited in claim 1 of Appellant's invention, the Appellant respectfully submits that independent claim 1 is not anticipated by the teachings of Norrell and, as such, fully satisfies the requirements of 35 U.S.C. § 102 is patentable thereunder. The remaining appealed claims include similar limitations.

Conclusion

Thus, the Appellants submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 102. Consequently, the Appellants believes all these claims are presently in condition for allowance.

For the reasons advanced above, Appellants respectfully urge that the rejections of claims 1-38 as being obvious under 35 U.S.C. §102 are improper. Reversal of the rejections of the Final Office Action is respectfully requested.

Respectfully submitted,



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